

WAIVER OF SERVICE OF SUMMONS

I acknowledge receipt of your request that I waive service of a Summons in the action of PAYLESS SHOESOURCE, INC. v. AVALON FUNDING CORPORATION, et al., Defendants, which is case number **CV-08-4744** in the United States District Court for the Eastern District of New York. I have also received a copy of the Complaint in the action, two of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a Summons and an additional copy of the Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Summons or in the service of the Summons.

I understand that a Judgment may be entered against me (or the party on whose behalf I am acting) if an Answer or motion under Rule 12 is not served upon you within 60 days after January 16, 2009 or within 90 days after that date if the request was sent outside the United States.

January 21, 2009

Signature

Printed/typed name: DONALD KING

Title: VICE PRESIDENT

Associated Builders, Inc.
416 High St.
Ellsworth, ME 4605